

MHN

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

| | | |
|-------------------------------|---|---------------|
| HUDSON SURGICAL DESIGN, INC., |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | No. 10 C 2103 |
| |) | |
| DePUY ORTHOPAEDICS, INC, |) | |
| |) | |
| Defendant. |) | |

OPINION AND ORDER

This patent action is before the court on the motion of defendant DePuy Orthopaedics, Inc. ("DePuy") to transfer the action to the United States District Court for the Northern District of Indiana, South Bend Division, pursuant to 28 U.S.C. § 1404(a). The patent-in-suit is U.S. Patent 7,344,541, entitled "Methods and Apparatus for Femoral and Tibial Resection" (the "'541 patent"). It is alleged that DePuy has induced infringement of the patent "throughout the United States."

Neither party has a principal place of business in this district. Defendant maintains its United States operation records in Warsaw, Indiana within the South Bend Division.

Plaintiff Hudson Surgical Design, Inc. has its principal place of business in Seattle, Washington.

Based on the parties' initial disclosures, neither party identified a witness in the Northern District of Illinois. Both parties identified several witnesses in the Northern District of Indiana. Timothy G. Haines, shown as the first inventor of the '541 patent, listed his residence as Columbia City, Indiana, which is within the Northern District of Indiana, when the '541 patent was filed.

Plaintiff's principal argument is that it will be required to call surgeons in the Chicago, Illinois area to prove its claim of induced infringement. However, witnesses from the Chicago area are within a 100-mile radius of South Bend, Indiana and subject to subpoena by that court.

Although DePuy conducts training and sales programs in Chicago, its ties to this area do not support retaining the case in this court. It clearly appears that this case should be transferred. Cf. In re Hoffman-LaRoche, Inc., 587 F.3d 1333, 1336-38 (Fed. Cir. 2009).

IT IS THEREFORE ORDERED that defendant's motion to transfer [33] is granted. Status hearing date of October 14, 2010 is stricken. Pursuant to U.S.C. § 1404(a), the Clerk of the

Court is directed to transfer this case to the Northern District of Indiana, South Bend Division.

ENTER:


UNITED STATES DISTRICT JUDGE

DATED: OCTOBER 7, 2010